

ROUTING AND TRANSMITTAL

Date

9-27-87

TO: (Name, office symbol, room number,
building, Agency/Post)

Initials

Date

1. Michel Sanderson

2. Sullivan

3. Tran

4. File

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

RECEIVED

SEP 25 1987

IOWA SECTION

DO NOT use this form as a RECORD of approvals, concurrences, disposals,
clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Phone No.

5041-102

☆ U.S. GPO: 1986-491-297/40004

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA
FPMR (41 CFR) 101-11.206

Date

10/30/87

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number,
building, Agency/Post)

Initials

Date

1.

2.

3.

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

- Storage of HW inside the storage area for 790 days
 - Storage of HW which is not specified in part A permit application
 - Waste analysis plan, Contingency plan, inadequate closure plan.
- Since they ~~are~~ behave as a generator now & would like to close the place → liability insurance not

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

required - She'll need to
no copy of complaint

Phone No.

5041-102

U.S.GPO:1986-0-491-247/20047

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA

FPMR (41 CFR) 101-11.206

10/12/87

14:19

S-G TECH & ADMIN

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:
SHE-12

SEP 17 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Region 2
Mr. Lawrence L. King
Sheller-Globe Corporation
1505 Jefferson Avenue
Toledo, Ohio 43624

Re: Consent Agreement and Final Order
Sheller-Globe Corporation
Docket No: V-W-87-R-049

Dear Mr. King:

I have enclosed a Consent Agreement and Final Order (CAFO) on the above referenced matter. Please review the CAFO and if acceptable have the two originals signed by the appropriate party or parties within two weeks of your receipt of this letter and return them to me. The United States

and County of ... will then sign both documents and

Janet Carlson
Janet Carlson
Assistant Regional Counsel

Enclosures

cc: Greg Sautter, Sheller-Globe Corporation

214 922-8043
telex

AKIN, GUMP, STRAUSS, HAUER & FELD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1333 NEW HAMPSHIRE AVENUE, N.W.

SUITE 400

WASHINGTON, D.C. 20036

(202) 887-4000

WRITER'S DIRECT DIAL NUMBER 887

TELECOPY COVER LETTER

DALLAS OFFICE
4100 FIRST CITY CENTER
1700 PACIFIC AVENUE
DALLAS, TEXAS 75201-4618
(214) 969-2800

LONDON OFFICE
31 CURZON STREET
LONDON, W. 1
(01) 409-1093

AUSTIN OFFICE
900 MBANK TOWER
AUSTIN, TEXAS 78701
(512) 499-6200

SAN ANTONIO OFFICE
1100 ONE RIVERWALK PLACE
700 NORTH ST. MARY'S STREET
SAN ANTONIO, TEXAS 78205
(512) 224-1801

FORT WORTH OFFICE
2604 TEXAS AMERICAN BANK BUILDING
FORT WORTH, TEXAS 76102
(817) 336-4000

PLEASE DELIVER THE FOLLOWING PAGES:

TO: Andrey Bimby BUSINESS NAME: EPA- Reg. 7

REGARDING: Sheller-Globe CITY: Kansas City, Kansas

COPIER PHONE# 913 757-2845 CONFIRM# 913 236-2809 2827 211 EXX

FROM: Diana Dutton

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET) 7 CLIENT# 06676-0029

DATE: 10-15-87

If you do not receive all pages or have any problem with receiving,
PLEASE CALL: 202-887-4108

FACSIMILE NUMBERS

XEROX 495- (202) 887-4288

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OPERATOR: _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

SHELLER-GLOBE CORPORATION
1501 SOUTH THIRD STREET
NILES, MICHIGAN 49120

EPA ID NO.: MID 082 859 315

DOCKET NO. V-W-87-R-049

CONSENT AGREEMENT AND
FINAL ORDERPREAMBLE

On July 24, 1987, a Complaint was filed in this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is Sheller-Globe Corporation who owns and operates a facility located at 1501 South Third Street, Niles, Michigan.

STIPULATIONS

The parties, desiring to settle this action, enter into the following stipulations:

1. Respondent has been served with a copy of the Complaint, Findings of Violation and Compliance Order (Docket No. V-W-87-R 049) in this matter.

2. Respondent is an Ohio Corporation whose registered agent is The Corporation Company, 615 Griswold, Detroit, Michigan 48226. Respondent owns and operates a facility located at 1501 South Third Street, Niles, Michigan (the "facility").

3. Respondent admits the jurisdictional allegations contained in the Complaint.

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4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint.

5. Respondent explicitly waives its right to a hearing on the allegations contained in the Complaint.

6. Respondent consents to the issuance of the Order hereinafter set forth and hereby consents to the payment of a civil penalty in the amount hereinafter stipulated.

7. On June 11, 1987, the Michigan Department of Natural Resources conducted an inspection of Respondent's facility and found Respondent to be in compliance with the violations cited in Finding 11 of the July 24, 1987, Complaint regarding the storage of hazardous waste.

8. On October 30, 1986, the State of Michigan was granted final authorization by the Administrator of the U.S. EPA, pursuant to Section 3006(b) of RCRA, 42 U.S.C. §6926(b), to administer a hazardous waste program in lieu of the Federal program. Section 3008 of RCRA, 42 U.S.C. §6928, provides that the U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program.

9. This Consent Agreement and Final Order shall become effective on the date it is filed with the Regional Hearing Clerk.

FINAL ORDER

Based on the foregoing stipulations, the parties agree to the entry of the following Final Order:

A. Respondent shall, immediately upon the effective date of this Final Order, achieve and maintain compliance with the standards applicable to generators

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of hazardous waste set forth in Michigan Administrative Code 1995 AACs, Parts 1 through 8 and 10, except as provided below:

Respondent shall, upon approval by MDNR of the submitted closure plan, close the container storage areas in accordance with the approved closure plan.

B. Respondent shall pay a civil penalty in the amount of TEN THOUSAND EIGHT HUNDRED DOLLARS (\$10,800) within thirty (30) days of the date this Final Order is filed with the Regional Hearing Clerk. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division (5MF-14), and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel (5CS-TUB-3), U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

Interest shall accrue on any amounts overdue under the terms of this Final Order at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. 9217. A late payment handling charge of \$20.00 will be imposed on any late payment, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains.

Failure to comply with any requirement of this Final Order may subject Respondent to liability for a penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued non-compliance with the terms of this Final Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

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This Consent Agreement and Final Order constitutes a settlement and final disposition of the Complaint filed in this case and stipulations hereinbefore recited.

Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. §6973, or other statutory authority should U.S. EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the facility may present an imminent and substantial endangerment to human health or the environment. U.S. EPA also expressly reserves the right to take any action necessary under Section 3008 of RCRA to enforce compliance with the applicable provisions of Michigan Administrative Code 1985 AAC 299.9101 through 299.11104, inclusive; 40 CFR Parts 124 and 270; and this Final Order.

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SIGNATORIES

Each undersigned representative of a party to this Consent Agreement and Final Order consisting of 5 pages certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such party to this document.

Agreed this _____ day of _____, 1987

By _____ Title _____
Sheller-Globe Corporation
Respondent

Agreed this _____ day of _____, 1987

By _____
Basil G. Constantelos, Director
Waste Management Division
U.S. Environmental Protection Agency
Region V, Complainant

The above being agreed and consented to, it is so ordered

this _____ day of _____, 1987

Valdas V. Adamkus
Regional Administrator
U.S. Environmental Protection Agency
Region V



R00110921

RCRA RECORDS CENTER